



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/650,045 | 08/29/2000 | William T. Geddes Jr. | 1034-01-PA | 8375 |

22145 7590 10/30/2006
KLEIN, O'NEILL & SINGH, LLP
43 CORPORATE PARK
SUITE 204
IRVINE, CA 92606

| |
|----------|
| EXAMINER |
|----------|

THEIN, MARIA TERESA T

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 3627 | |

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/650,045

Applicant(s)

GEDDES JR. ET AL.

Examiner

Marissa Thein

Art Unit

3627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The arguments are not persuasive.

For example, Applicants remark that "the references fail to disclose receiving an arrangement". The Examiner notes that the combination of iGive.com (Give) and Biorge discloses the "receiving an arrangement". The website iGive.com (Give) is designed to enable members or individuals to benefit their chosen communities through online shopping (page 6). The individuals or members choose or list the charities that they want to support. While they shop, they are able to support their cause (page 6). Each time they shop online, a percentage of the purchase price of the products they buy goes to their favorite charity (page 6). The website Give presents various online merchants to their members and enables the member to designate a commission specified on the Give site on purchases from the merchants to the member's account, for later disbursement to the member's selected charities (number 2, page 11).

Such individuals or members choose or list the charities that they want to support; each time they shop online, a percentage of the purchase price of the products you buy goes to their favorite charity; and the website Give presents various online merchants to their members and enables the members to designate a commission specified on the Give site on purchases from the merchants to the member's account, for later disbursement to the member's selected charities are considered receiving an arrangement.

Applicants remark that "iGive.com does not disclose a payment to be made by the user to acquire the at least one good, service and information in the business transaction". The Examiner notes that the combination of Give and Biorge discloses a payment to be made by the user to acquire the at least one good, service and information in the business transaction. Give discloses the online shopping (page 6 and page 16). Give further discloses purchases made by the member (page 16). The Examiner then turns to Biorge to teach payment to be made by the user to acquire the at least one good, service and information in the business transaction. Biorge teaches a method and system for implementing a multiple provider incentive program in an off-line or on-line environment which allows multiple transactions to be processed for a large number of service and merchandise providers and producers (col. 1, lines 12-17). The system is a dynamic allocation system for collecting, transferring, and distributing funds among participating parties (col. 1, lines 18-20). Biorge includes services to be intermediary services such as charity collection services (col. 4, lines 55-57). Biorge further teaches the purchase of a good or a service by a customer from a provider (col. 5, lines 21-22). Biorge then teaches the use of a debit card or a credit card to authorize payment of a purchase amount at the conclusion of a transaction (col. 8, lines 39-41).

Such purchase of a good or a service by a customer from a provider and the use of a debit card or a credit card to authorize payment of a purchase amount at the conclusion of a transaction are considered the payment to be made by the user to acquire the at least one good, service and information in the business transaction.



F. RYAN ZEENDER
PRIMARY EXAMINER

10/27/06